

ORDINANCE NUMBER 21-__

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

“BEL CANTO PUD”

This is a Planned Unit Development District Ordinance (the “Ordinance”) for the Bel Canto PUD District, to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "UDO"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the UDO;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. ____-PUD-__**), requesting an amendment to the UDO and the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. ____-PUD-__** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a _____ recommendation (____ - __) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on _____, 2021;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the UDO and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 The UDO and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "Bel Canto PUD

District" (the "District").

- 1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the UDO, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 1.3 Chapter ("*Chapter*") and Article ("*Article*") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the UDO.
- 1.4 All provisions and representations of the UDO that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. **Concept Plan.** The Concept Plan, attached hereto as **Exhibit B** (the "Concept Plan").

- 2.1 The Concept Plan is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan.
- 2.2 The Real Estate shall be developed in substantial compliance with the Concept Plan as determined by the Director.

Section 3. **Underlying Zoning District(s).** The Underlying Zoning Districts for the Real Estate shall be as follows:

- 3.1 GB: General Business for the area of the Real Estate noted as "Commercial Out Parcel" on the Concept Plan.
- 3.2 MF2: Multi-family Medium Density District for the area of the Real Estate not included in Section 3.1 above.

Section 4. **Overlay Districts.** The standards of Chapter 5: Overlay Districts, including the US Highway 31 Overlay District, shall not apply to the development of the District.

Section 5. **Permitted Uses.** The permitted uses shall be as set forth below:

- 5.1 All uses permitted in the Underlying Zoning District, as set forth in Chapter 4 and Chapter 13 of the UDO, shall be permitted.
- 5.2 Special Exceptions and Prohibited Uses of the Underlying Zoning District shall be prohibited.
- 5.3 The maximum number of Dwelling Units shall not exceed three hundred (300).

Section 6. **General Regulations.** The standards of Chapter 4: Zoning Districts, as

applicable to the Underlying Zoning District, shall apply to the development of the District, except as otherwise modified below for Multi-family Development.

Standard	
Location	Not Applicable
*Maximum Density	Fifteen (15) dwellings per acre
Maximum Dwelling Units per Structure	Eighty (80)
Maximum Number of Dwelling Units	Three-hundred (300)
Minimum Living Area	530 Square Feet
Minimum Road Frontage	70 Feet
Minimum Building Setback Lines	
Front Yard	20 feet
Side Yard (Building Separation)	20 feet
Rear Yard	20 feet
Project Perimeter Setback (Proximity Slope)	Not Applicable
**Maximum Building Height	55 feet
Minimum Distance Between Buildings	20 feet

*Based on area of Real Estate

** Excluding parapets, elevator override and stair roof access

Section 7. **Development Standards.** The standards of Chapter 6: Development Standards shall apply to the development of the District except as otherwise modified or enhanced below.

- 7.1 Article 6.1 (A-E) Accessory Use and Building Standards shall not apply.
- 7.2 Article 6.1(F) Maximum accessory building height: 18 feet except for Clubhouse Structure which shall be 40 feet.
- 7.3 Article 6.1.(J) Home Business: Within each dwelling provisions for a home office of up to 150 square feet shall be allowed as part of each residential occupancy.
- 7.4 Article 6.1(L) Outside Café' and Eating Areas: As part of the common area element (Clubhouse) outdoor kitchen, dining, and gathering areas exclusive to residents and their guests shall be permitted.
- 7.5 Article 6.3 (E) Accessory use and Building Standards shall apply to the District, except as modified or enhanced below:
 - A. Design Intent: In as much as a “commercial impression” with priority over a “residential impression” is sought for the District, the general character and detail of the proposed structures shall favor building materials and expressions commonly found in both higher density residential and commercial

applications; excluding architectural expressions more exclusive to lower density residential applications

- B. Building Elevations: Attached hereto and incorporated herein by reference as Exhibit C (“**Conceptual Architectural Character**”) are typical building elevations, depicting the character of the multi-family dwelling buildings to be constructed upon the Real Estate. Buildings shall be constructed in substantial Compliance with the Conceptual Architectural Character as determined by the Director. Minor deviations may occur subject to code and construction systems to be employed.
 - C. Article 6.3.E.2.b Masonry Materials: Stucco or E.I.F.S shall be allowed as an alternative to Masonry Materials coverage.
 - D. Article 6.3.E.4.a Minimum Pitch: Flat roofs with minimal pitch for proper draining shall be allowed. Parapets of no less than 42” around the roof perimeter shall be required to shield views of roof mounted equipment as may be employed.
 - E. Article 6.3.E.4.b Minimum Overhang: Shall not apply.
 - F. Article 6.3.E.4.c Roof Form: Shall not apply.
 - G. Article 6.3.E.5.a Building elevations shall be of similar character and materials, with variety of feature within so to advance a cohesive impression to the total development as if a single mixed use community
- 7.6 Article 6.5 Height Standards: Article 6.6(B) Residential Districts / 6.6(C) Nonresidential Districts. Building heights of up to 50 feet shall be permitted.
- 8.7 Article 6.8 Landscaping Standards: Shall apply, except as otherwise modified or enhanced below.
- A. Article 6.8.H.1. Mechanical Screening: Roof mounted Mechanical Equipment for nonresidential and multifamily structures shall be screened from eye level surrounding the building for a distance of 200’ by means of a parapet or screen wall of sufficient height to block a line of site view from the distance proposed.
 - B. Article 6.8.M.1 External Street Frontage Landscaping Requirements – Residential use: Adjust distance as required to be no greater than the required setback as provided in 4.11.I herein.
 - C. Article 6.8.N.4 Buffer Yard Requirements – Buffer Yard Types: Buffer Type A shall be applicable to a width of (i) ten (10) feet along the eastern property line of the Real Estate and (i) twenty (20) feet along the south perimeter of the Real Estate.

D. Article 6.8.N.5 Required Buffer Yard: allow for a Buffer Yard A where the Real Estate abuts a single family district.

E. Article 6.8.0.2.a Perimeter Parking Area Landscaping – Application: *(Add)* A minimum of five feet of landscaping between building and parking area shall apply except where parking aprons extend to the building face in service to garages within the building.

8.8 Parking and Loading Standards: Article 6.14.G.11.c Off-street Parking – Required Spaces – Multifamily Dwellings shall be modified to include; private garages as may be provided shall count as part of the off-street parking requirement. When companioned with a tandem parking apron of the required size and leased to a common occupancy for any dwelling the apron may also count as part of the off-street parking requirement.

8.9 Setback Standards: Article 6.16.D Minimum Building Separation: The minimum building separations between multiple buildings upon a single parcel shall be as provided for within the International Building Code, adopted and prevailing edition.

Section 8. **Infrastructure Standards.** The District’s infrastructure shall comply with the Unified Development Ordinance and the City’s Construction Standards (see Chapter 7: Subdivision Regulations), unless otherwise approved by the Plan Commission or Department of Public Works in consideration to the preservation of the natural topography and environment and in consideration to the unique design intent of the District.

Section 9. **Design Standards.** The standards of Chapter 8: Design Standards shall apply to the development of the District, except as otherwise modified below.

9.1 Article 8.6 Open Space and Amenity Standards: Shall apply except as otherwise modified or enhanced herein.

A. The Minimum Open Space required shall be as generally illustrated on Exhibit D, attached hereto as (“Conceptual Open Space and Pedestrian Circulation Plan”). Open space and amenity standard shall include any common area element intended for the use of the residential population including but not limited to interior and exterior recreation and amenity areas, appropriately treated retention areas, garden areas between structures, sidewalks, landscape setback and buffer areas as may be prescribed and open areas excluding drive lanes for any right of way contributions made to

public use.

- B. Exhibit E, attached hereto as (“Conceptual Amenities Plan”) illustrate the location and character of the potential Amenities; The individual amenities noted on the Conceptual Amenities Plan are furth illustrated on in Exhibit F attached hereto as the (“Conceptual Amenity Area Images”). Amenities consistent with the number as scope illustrated on the Conceptual Amenity Images shall be provided on the Real Estate as generally illustrated on the Conceptual Amenities Plan.
- C. Article 8.6.H.1 Multi-family Districts shall require six (6) amenities.
- D. Article 8.6.H.2 Qualifying Amenities shall include the following as additional qualifying amenities:
- Indoor and/or outdoor amenity and aerobic areas
 - Indoor and/or outdoor and covered social gathering areas
 - Indoor internet café’
 - Indoor workplace meeting and teaming rooms
 - Indoor conference and private meeting rooms
 - Pet park
 - Pet wash/grooming facility
 - Bike car center
 - Mail and package center delivery center
 - Car wash area
 - Summer kitchen
 - Fitness trail
 - Pool and lounging area
 - Spa/hot tub/whirlpool
 - Shaded relaxation areas
 - Indoor or outdoor movie/entertainment room
 - Indoor or sheltered outdoor children’s play area

- 9.2 Pedestrian Network Standards: The Pedestrian Network Standards shall be provided as generally illustrated on Exhibit D.

Section 9. **Duration.** Failure to obtain Secondary Plat / Construction Plan approval for the District by January 1, 2028 (unless otherwise extended by the Director) shall automatically void this Ordinance and cause the zoning classification of the Real Estate to revert back to its classification at the time this Ordinance was adopted.

Section 10. **Severability.** If any term or provision of this ordinance is held to be illegal or unenforceable, the validity or enforceability of the remainder of this ordinance will not be affected.

[Remainder of page intentionally left blank, signature page follows]

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF
WESTFIELD, HAMILTON COUNTY, INDIANA THIS _____ DAY OF _____, 2021.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For

Voting Against

Abstain

James J. Edwards

James J. Edwards

James J. Edwards

Scott Frei

Scott Frei

Scott Frei

Jake Gilbert

Jake Gilbert

Jake Gilbert

Mike Johns

Mike Johns

Mike Johns

Troy Patton

Troy Patton

Troy Patton

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Scott Willis

Scott Willis

Scott Willis

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

I hereby certify that **ORDINANCE** __-__ was delivered to the Mayor of Westfield
on the _____ day of _____, 2021, at _____ m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE Ordinance __-__
this _____ day of _____, 2021.

I hereby VETO Ordinance __-__
this _____ day of _____, 2021.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document,
unless required by law: Jon C. Dobosiewicz

This document prepared by: James E. Shinaver and Jon C. Dobosiewicz; Nelson & Frankenger
550 Congressional Blvd, Suite 210, Carmel, IN 46032 (317) 844-0106

Bel Canto PUD - 4 120321

SCHEDULE OF EXHIBITS

Exhibit A	Real Estate (Legal Description)
Exhibit B	Concept Plan
Exhibit C	Conceptual Architectural Character
Exhibit D	Conceptual Open Space and Pedestrian Circulation Plan
Exhibit F	Conceptual Amenities Plan
Exhibit G	Conceptual Amenity Area Images

EXHIBIT A
REAL ESTATE
(Page 1 of 2)

Part of the South half of the Southeast Quarter of Section 1, Township 18 North, Range 3 East, Hamilton County, Indiana, described as follows: Beginning South 87 degrees 44 minutes 00 second West 1097.73 feet along the South line of said half-quarter section from the Southeast corner of said half-quarter section; thence South 87 degrees 44 minutes 00 second West 792.74 feet along the South line of said half-quarter section to the centerline of U.S. Highway No. 31; thence Northwesterly 930.10 feet along a curve to the right having a radius of 11,459.15 feet and a long chord having a bearing of North 10 degrees 54 minutes 38 seconds West and a length of 929.855 feet, said curve being the centerline of U.S. Highway No. 31; thence North 87 degrees 42 minutes 00 second East 851.54 feet parallel with the North line of said half-quarter section; thence North 02 degrees 18 minutes 00 second West 400.00 feet to the North line of said half-quarter section, said line being the centerline of 169th Street; thence North 87 degrees 42 minutes 00 second East 619.38 feet along said North line; thence South 00 degree 02 minutes 35 seconds West 348.30 feet parallel with the Eastline of said half-quarter section; thence South 87 degrees 42 minutes 00 second West 484.95 feet parallel with said Northline; thence South 00 degree 02 minutes 35 seconds West 972.66 feet parallel with the East line of said half-quarter section to the point of beginning and containing 23.770 acres, more or less.

Excepting therefrom:

That part of the above described property conveyed to State of Indiana by Warranty Deed recorded October 05, 2012, as Instrument Number [2012060725](#), in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Part of the South half of the Southeast Quarter of Section 1, Township 18 North, Range 3 East in Hamilton County, Indiana, and being that part of the grantors' land lying within the right of way lines depicted on the Right of Way Parcel Plat attached to said deed, marked Exhibit "B", described as follows: Beginning on the South line of said quarter section South 87 degrees 27 minutes 51 seconds West 1,761.96 feet from the Southeast corner of said quarter section; thence continuing South 87 degrees 27 minutes 51 seconds West 34.10 feet along said line to the East boundary of U.S. 31; thence North 14 degrees 14 minutes 16 seconds West 238.37 feet along said boundary; thence along said boundary Northwesterly 693.04 feet along an arc to the right having a radius of 11,372.02 feet and subtended by a long chord having a bearing of North 10 degrees 41 minutes 22 seconds West and a length of 692.93 feet to the North line of said grantors' land; thence North 87 degrees 25 minutes 51 seconds East 23.43 feet along said line; thence Southeasterly 483.36 feet along an arc to the left having a radius of 15,885.00 feet and subtended by a long chord having a bearing of South 11 degrees 05 minutes 27 seconds East and a length of 483.34 feet to point "25102" on said plat; thence South 13 degrees 29 minutes 04 seconds East 449.58 feet to the point of beginning, containing 0.663 acres more or less.

EXHIBIT A
REAL ESTATE
(Page 2 of 2)

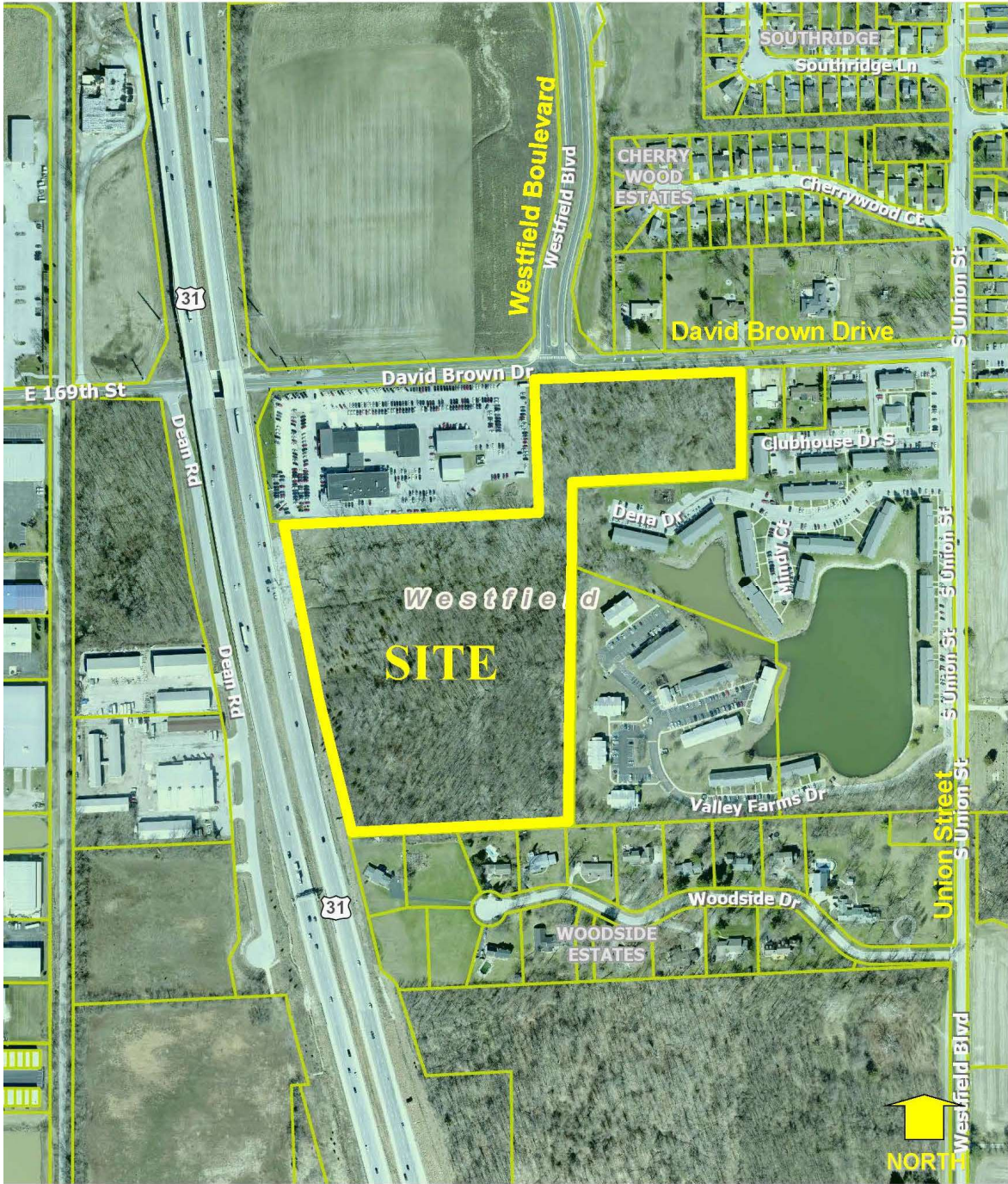


EXHIBIT B
CONCEPT PLAN
(Page 1 of 2)



Note: Larger scale paper and digital copies of the Concept Plan are on file with the Department of Economic and Community Development under Docket Number ____-PUD-__.

EXHIBIT B
CONCEPT PLAN
(Page 1 of 2)

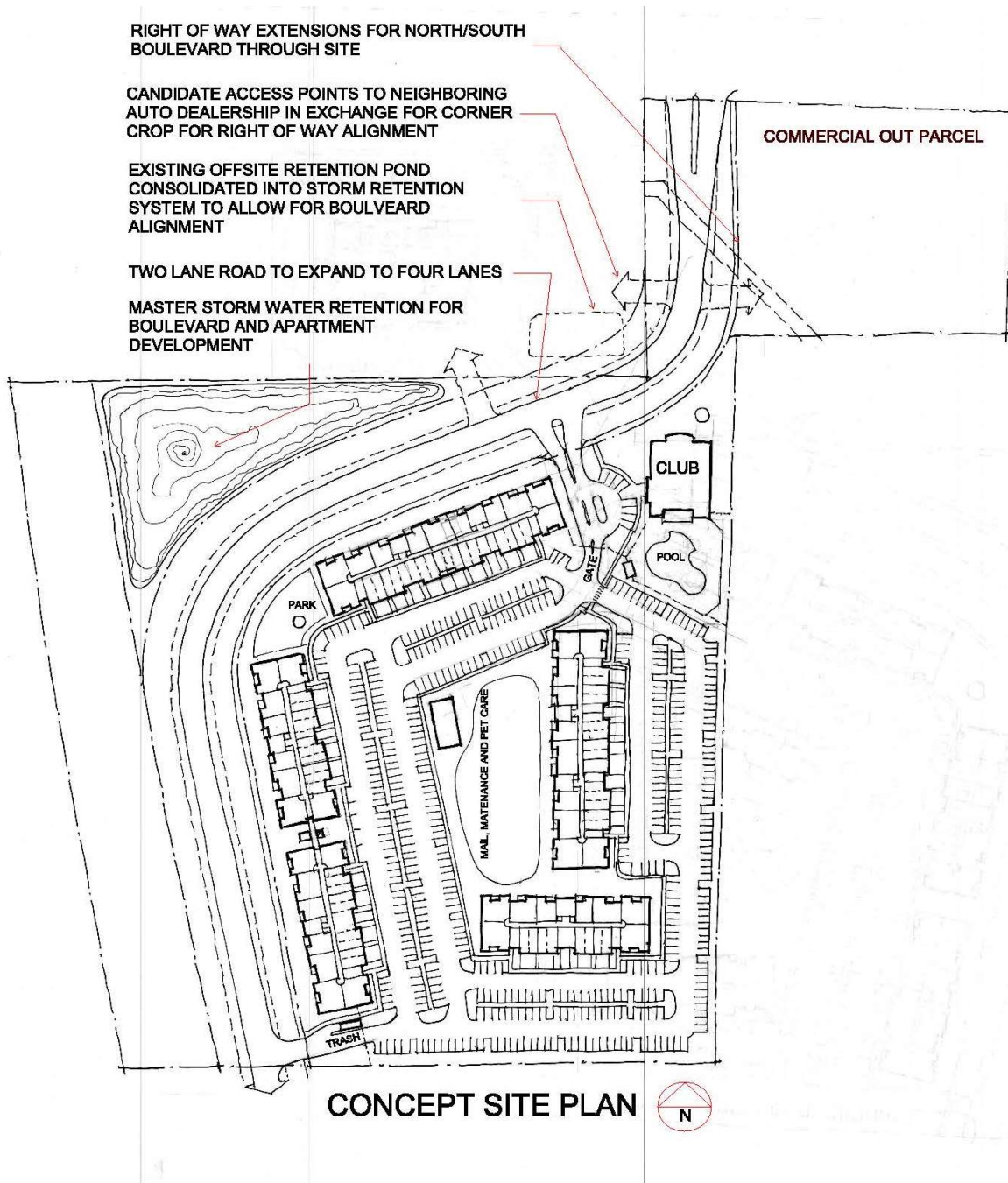


EXHIBIT C
Conceptual Architectural Character
(Page 1 of 4)



EXHIBIT C
Conceptual Architectural Character
(Page 2 of 4)

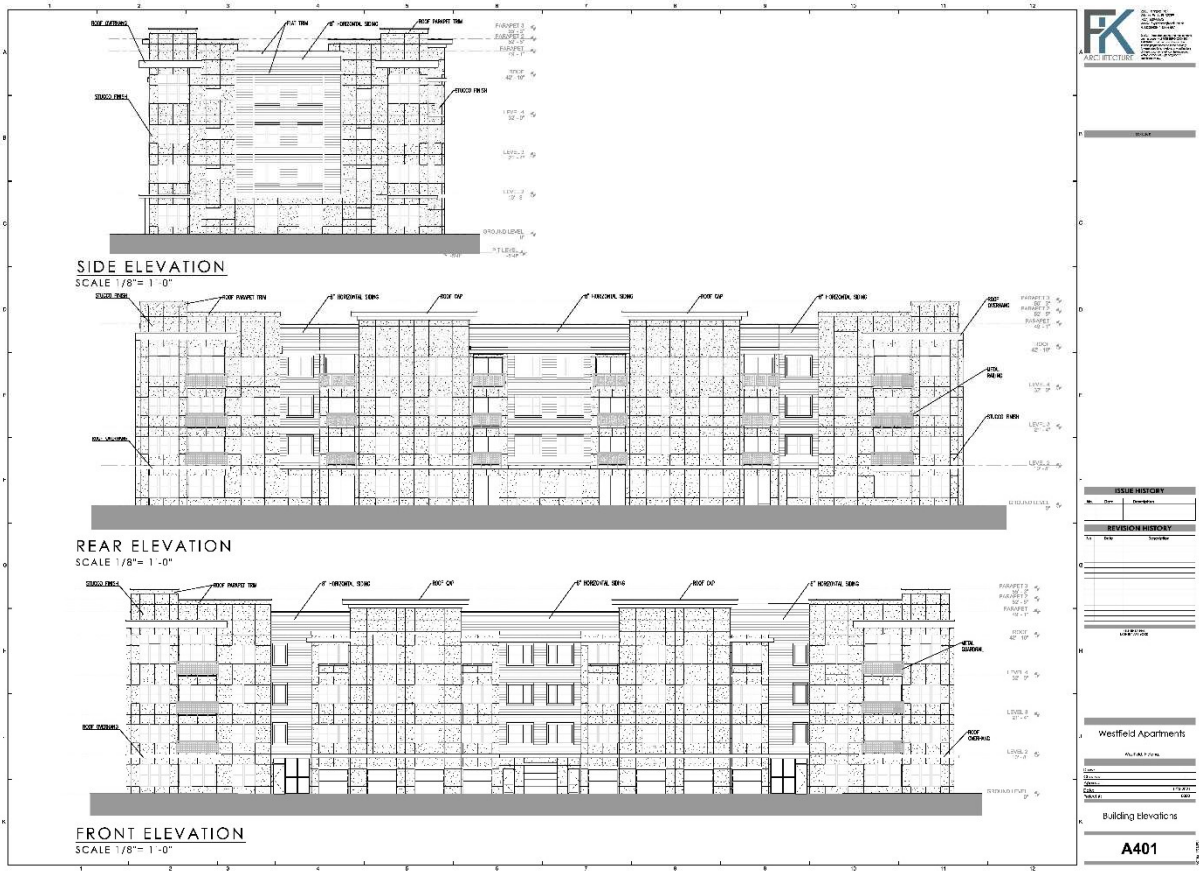


EXHIBIT C
Conceptual Architectural Character
(Page 3 of 4)



EXHIBIT C
Conceptual Architectural Character
(Page 4 of 4)



EXHIBIT D **Conceptual Open Space and Pedestrian Connectivity Plan** (Page 1 of 1)

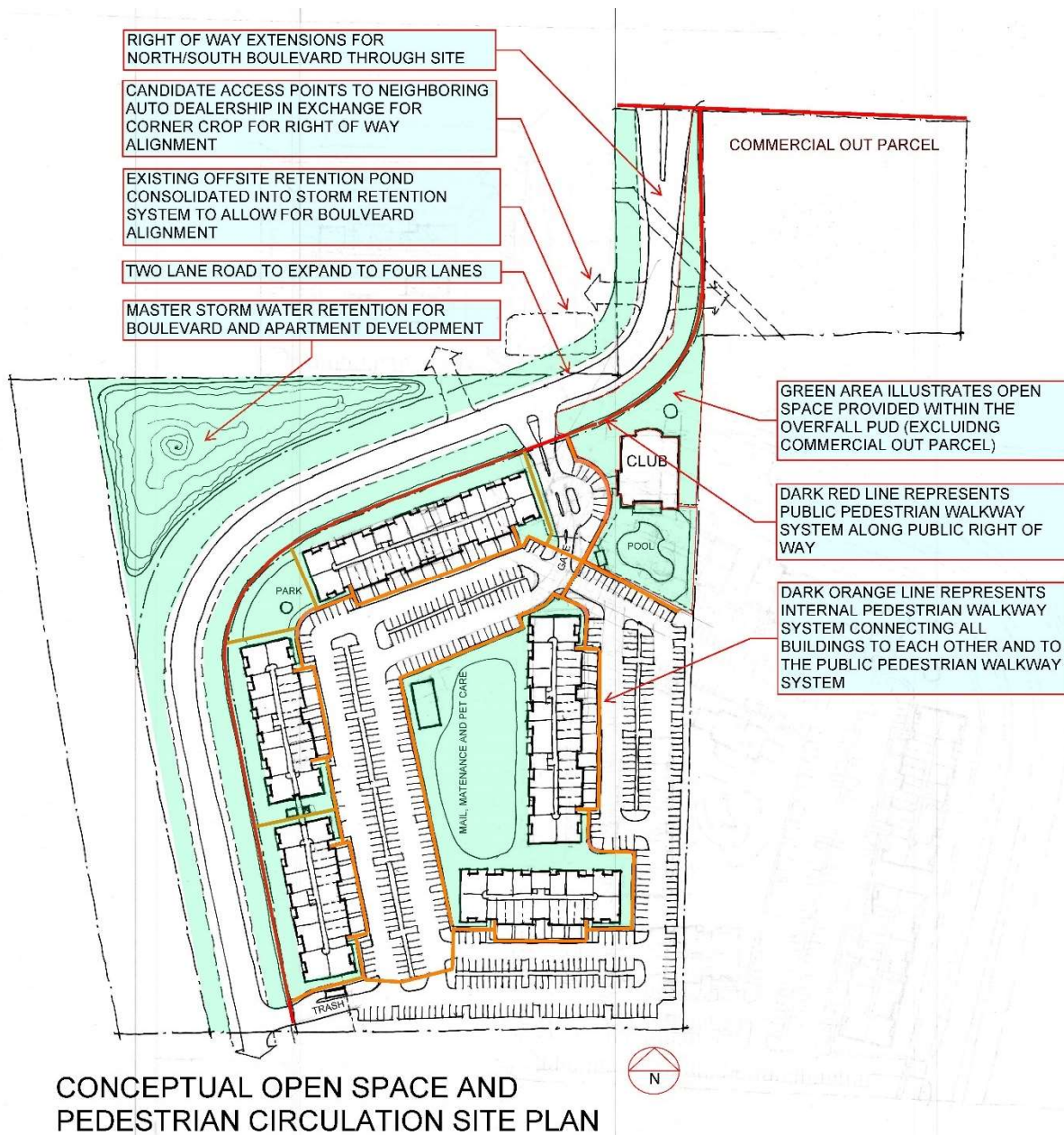
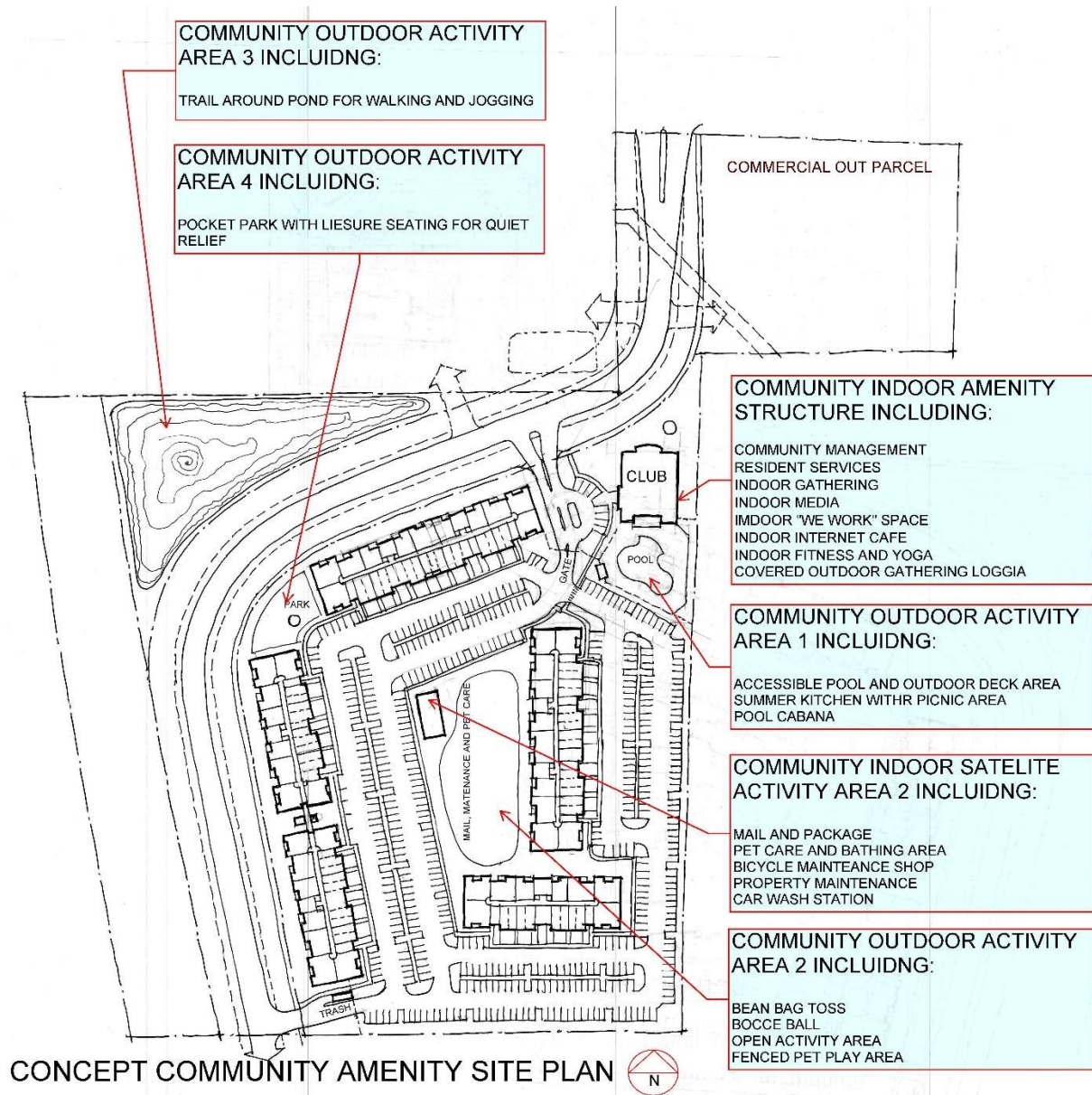


EXHIBIT E **Conceptual Amenities Plan** (Page 1 of 1)



CONCEPT COMMUNITY AMENITY SITE PLAN

EXHIBIT G
Conceptual Amenity Area Images
(Page 1 of 3)



EXHIBIT G
Conceptual Amenity Area Images
(Page 2 of 3)

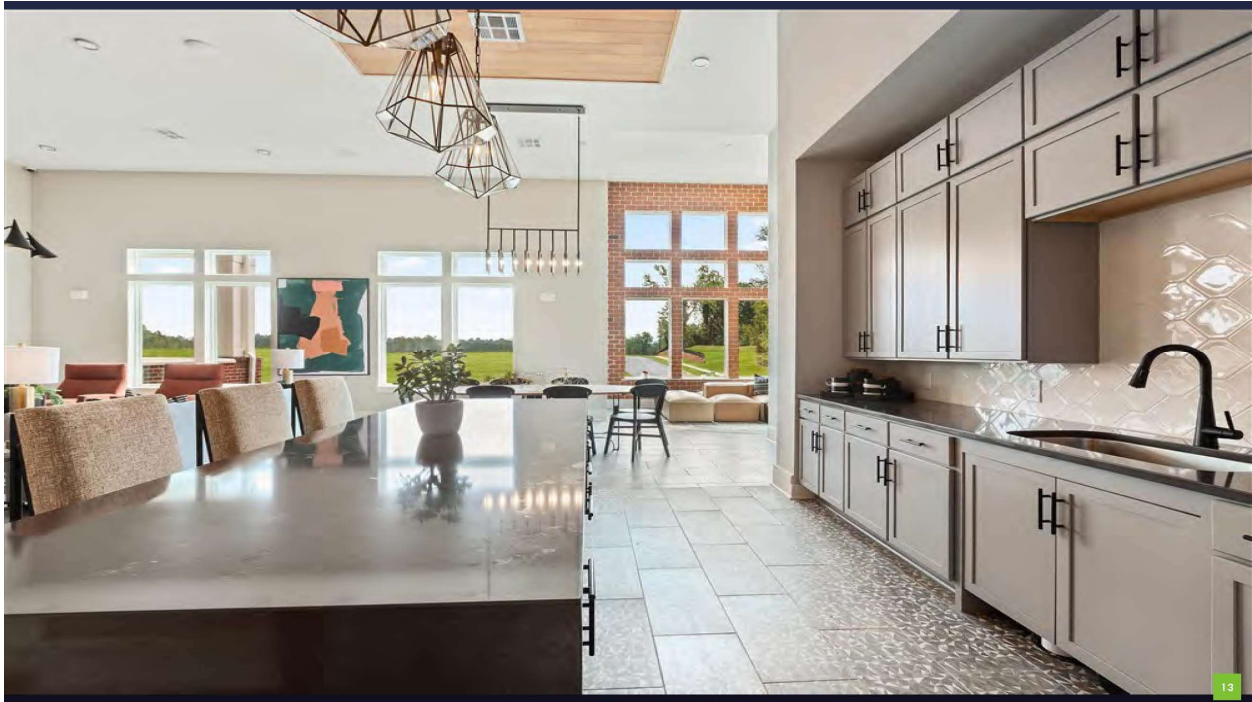
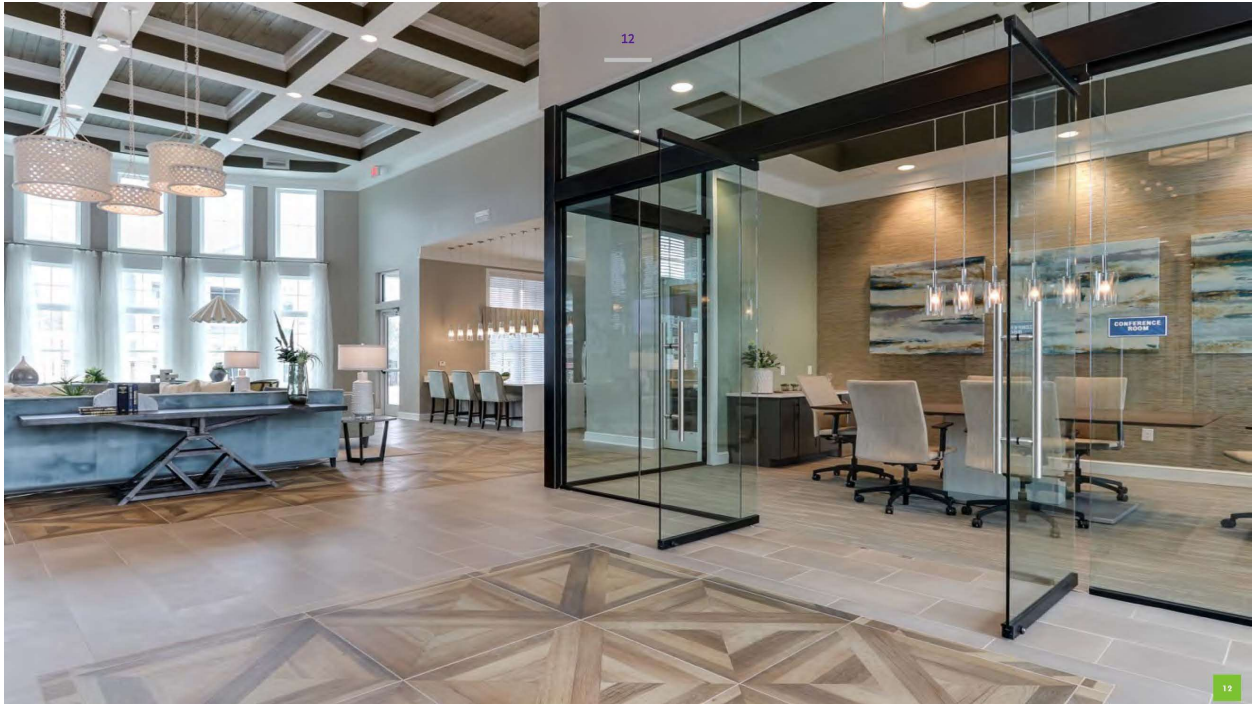


EXHIBIT G
Conceptual Amenity Area Images
(Page 3 of 3)

